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4 Attorney for Defendant
5 ALDO YMERAJ

6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 **United States of America,**

9 Plaintiff,

10 v.

11 **Aldo Ymeraj, et al.,**

12 Defendants.

Case No. 2:17-cr-306-JCM-PAL-31

**Stipulation for Exclusion of Time
Under the Speedy Trial Act**

13
14 The United States of America, by and through DAVID L. JAFFE, Chief,
15 United States Department of Justice Organized Crime and Gang Section, KELLY
16 PEARSON, Deputy Chief, and ALEXANDER B. GOTTFRIED and CHAD W.
17 MCHENRY, Trial Attorneys; and the Defendant, ALDO YMERAJ, through his coun-
18 sel, CHRISTOPHER ORAM, submit this stipulation in support of the exclusion of
19 time under the Speedy Trial Act until the Status Conference on May 10, 2019. In
20 support of this stipulation, the parties state:

21 1. On January 30, 2018, a grand jury in the District of Nevada returned
22 the Second Superseding Indictment (“the Indictment”) against the Defendant and

1 thirty-five others. ECF No. 303. The Indictment charged the Defendant with Rack-
2 eteering Conspiracy, in violation of 18 U.S.C. § 1962(d), alleging that the Defendant
3 conspired to participate in the conduct of the affairs of the Infracore Organization
4 through a pattern of racketeering activity.

5 2. On January 7, 2019, the Defendant made his initial appearance on the
6 above-referenced charges in front of Magistrate Judge Nancy J. Koppe, following his
7 extradition from Albania. The defendant entered a plea of not guilty and was joined
8 with his co-defendants for trial on October 7, 2019. The Government moved for de-
9 tention and the Defendant was detained pending trial.

10 3. On January 8, 2019, based on representations made by counsel during
11 the initial appearance, Magistrate Judge Koppe ordered that the Defendant undergo
12 a mental competency evaluation pursuant to 18 U.S.C. §§4241 and 4242. The De-
13 fendant was ordered to be transferred to a suitable Bureau of Prisons facility that
14 conducts psychological evaluations. The Court found that the period required for the
15 examination, and for the Court's determination of the Defendant's competency to
16 stand trial, is excludable time under the United States Constitution, the Speedy
17 Trial Act, 18 U.S.C. § 3161(h)(1)(A), and Rule 5.1 of the Federal Rules of Criminal
18 Procedure.

19 4. On April 11, 2019, a status hearing was held in front of Magistrate
20 Judge Peggy A. Leen. The court heard representations that the Defendant was still
21 receiving treatment at the Bureau of Prisons and that the ordered psychological
22

1 evaluation had not yet been completed. The Court set a further status conference on
2 the issue for May 10, 2019, at 9:30 a.m.

3 5. . The parties agree that the time until the status conference is exclud-
4 able under the Speedy Trial Act. Pursuant to 18 U.S.C. § 3161(h)(1)(A), and period
5 of delay “resulting from any proceeding, including any examinations, to determine
6 the mental competency or physical capacity of the defendant” is excludable under
7 the Act.

8 6. With respect to the Defendant’s co-defendants, the Court has previ-
9 ously designated this case as complex within the meaning of 18 U.S.C.
10 §3161(h)(7)(A), and excluded all time until the October 7 trial considering the factors
11 under 18 U.S.C. § 3161(h)(8)(B)(l)(i) and (ii).

12
13 **DATED** this 12th day of April, 2019.

14 Respectfully submitted,

Agreed:

15 DAVID L. JAFFE

16 Organized Crime and Gang Section

17 / s / *Alex Gottfried*

/s/ *Christopher Oram*

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ALEXANDER B. GOTTFRIED
19 Trial Attorney

CHRISTOPHER ORAM, ESQ.
Counsel for Defendant Ymeraj

1 **ORDER**

2 Upon stipulation of the parties and good cause appearing,

3 IT IS SO ORDERED.

4 The period of time required to complete the psychological evaluation of the
5 Defendant, up until the Status Conference on May 10, 2019, is excluded under the
6 Speedy Trial Act, 18 U.S.C. § 3141(h)(1)(A).

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9 Hon. Peggy A. Leen
10 United States Magistrate Judge
11 District of Nevada

12 Dated: April 15, 2019
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